In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 6659 of 2007

Date of Decision: 04.05.2007

Davinder Pritpal Singh

…Petitioner

Versus

State of Punjab & others

…Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR

HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Gurnam Singh, Advocate,
for the petitioner.

JUDGMENT

M.M. KUMAR, J. (Oral)

This petition filed under Article 226 of the Constitution prays for quashing order dated 8.1.2007 (P-2), vide which pay of the petitioner for the period from 2001 to 2004 has been fixed. It has been asserted that the pay of the petitioner has been wrongly fixed, inasmuch as, his date of annual grade increment has been changed from 1.1.2000 to 23.1.2001 without assigning any reason.

We have heard the learned counsel for the petitioner at some length and perused the paper book.

Before disposing of this writ petition we would refer to the views of Hon'ble the Supreme Court in the case of **Salem Advocate Bar Association v. Union of India, (2005) 6 SCC 344**. In

paras 38 and 39 of the judgment it has been required that whenever notice under Section 80 C.P.C. or under any similar provision are sent then it is mandatory on the part of State or Central Government or other authorities to send reply to such notice.

It is also well settled that before seeking a direction or a writ of mandamus, a demand justice notice or representation is required to be served on the respondents as has been done in the present case. The petitioner before approaching this Court had sent a representation, dated 17.1.2007 (P-3), to which no reply is stated to have been received. It has also been observed by Hon'ble the Supreme Court that in cases where such like notice/representation has not been replied then cost is required to be imposed. Therefore, without going into the merits of the case, we dispose of the writ petition at this stage with a direction to the respondents to take a decision on the representation dated 17.1.2007 (P-3) by passing a speaking order within a period of two months from the date of receipt of a certified copy of this order.

Petition stands disposed of in the above terms.

(M.M. KUMAR)
JUDGE

(RAJESH BINDAL)
JUDGE

May 4, 2007
Pkapoor